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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,366	04/19/2006	Paul Grison	BONN128	7378
32954	7590	11/19/2007		
JAMES C. LYDON 100 DAINGERFIELD ROAD SUITE 100 ALEXANDRIA, VA 22314			EXAMINER SWARTHOUT, BRENT	
			ART UNIT	PAPER NUMBER
			2612	
			MAIL DATE	DELIVERY MODE
			11/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,366

Applicant(s)

GRISON, PAUL

Examiner

Brent A. Swarthout

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4-19-06</u> . | 6) <input type="checkbox"/> Other: ____ |

1. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 2-5 "the information", "the criteria", "the regulations" and "the controlling" all have no antecedent basis, and on line 6 "and/or" is indefinite.

In claim 3, line 4 "for example" is indefinite.

In claim 4, line 5 "and/or" is indefinite.

In claim 7, line 6 "the common public key" has no antecedent basis.

In claim 8, line 5 "the public key" has no antecedent basis.

In claim 9, line 5 "the sender" has no antecedent basis.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rai.

Rai discloses a system for controlling information relating to a vehicle containing a chip with criteria which must be satisfied according to regulations in force whereby an authorized person can inspect the chip (col. 4, lines 3-4) using a data input device 150 (col. 4, lines 1-2), said chip using contactless communication and being adapted for installation inside a vehicle (col. 4, lines 1-2, 29-30), data input device 150 providing contactless reading of chip (col.4, lines 34-36) and display means 265 (col. 6, lines 24-26), except for specifically stating that electronic tag 115 is a chip card.

However, since tag 115 is small enough to fit into a license plate (col. 4, line 29), choosing to have tag be in the form of a chip card would have been an obvious matter of engineering choice, since chip card is a conventional form of electronic tags,

applicant citing no criticality for use of this well-known form of tag versus other forms of electronic tags.

Regarding claim 2, tag 115 is placed at dashboard (col. 4, line 30).

Regarding claim 4, Rai teaches use of administrative center 180 to administer the queried information (col. 5, lines 18-30).

Regarding claim 5, Rai teaches connection of input device to center via cellular means (col. 4, lines 44-45), and since communication to center takes place through data network 190, choosing to use well-known server means for communication would have been obvious to one of ordinary skill in the art, since networks typically use server connections.

Regarding claim 6, Rai teaches use of codes when communicating with electronic tag (col. 4, lines 4-14).

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rai in view of Dodd et al.

Rai discloses a vehicle information accessing system as set forth above, except for specifically stating that information accessed includes distance traveled over a given period.

Dodd teaches desirability of accessing distance traveled for a period of time from a vehicle (col. 3, lines 6-13).

It would have been obvious to one of ordinary skill in the art to access distance traveled information as suggested by Dodd in conjunction with a vehicle information access system as disclosed by Dodd, in order to allow a system user to determine if vehicle operator was in compliance with proper driving requirements.

4. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rai in view of Houser.

Rai discloses a vehicle information accessing system as set forth above, except for specifically stating that code transmission/reception involves use of private and public keys for encryption/decryption.

Houser teaches desirability of accessing information from a vehicle log using private/public key means for encryption/decryption (pages 4-5).

It would have been obvious to use public/private key means as suggested by Houser in conjunction with a vehicle information access system as disclosed by Rai, in order to ensure that communication between a vehicle and reader were secure, so that confidential data would not become available to unauthorized parties.

Regarding claim 9, Houser teaches protecting data with digital signatures formed by encrypting digital hash values (page 4, lines 18-20).

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rai in view of Monroe.

Rai discloses a vehicle information accessing system as set forth above, including use of keyboard 275 at data input means 150, and ticket processing for violations (col. 5, lines 25-40), except for specifically stating that authorized person can create a ticket card to attach to a vehicle for a violation.

Monroe teaches desirability of allowing an authorized user to create a ticket for attachment to a vehicle in violation of a regulation (col. 9, lines 64-67).

It would have been obvious to attach a ticket to a vehicle in violation as suggested by Monroe in conjunction with a system as disclosed by Rai, in order that tickets could have been delivered directly to a vehicle without having to provide the extra steps of remote preparation and mailing.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Koljonen, Warner and Horvat disclose vehicle information accessing systems.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A. Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-Th from 6:00 to 3:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Brent A Swarthout
Primary Examiner
Art Unit 2612

**BRENT A. SWARTHOUT
PRIMARY EXAMINER**